

ORIGINAL

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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IN THE MATTER OF THE COMPLAINT OF
DELAWARE BAY LAUNCH SERVICE, INC.,
AS OWNER OF "BREAKWATER" A 48' 1976
CREWBOAT, FOR EXONERATION FROM
AND LIMITATION OF LIABILITY:

CIVIL ACTION
IN ADMIRALTY

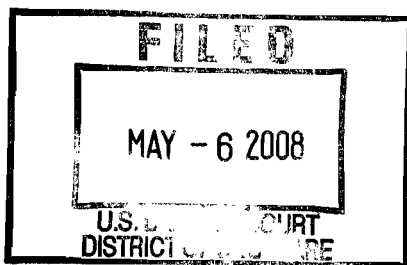
CA 06-595-JJF
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MOTION TO POSTPONE THE PRE-TRIAL CONFERENCE
AND INCORPORATED RULE 16.4.CERTIFICATE

NOW INTO COURT, through undersigned counsel, comes claimant Xenophon Papanikolaou who moves this Court to continue the pre-trial conference in this matter for the reasons cited below. The pre-trial conference is set for May 8, 2008. Pursuant to Local Rule 16.4, the undersigned further advises the Court that he has sent a copy of the request to his client.

The underlying matter arises under the Limitation of Liability Act, 46 U.S.C. §§30501-30512. Mr. Papanikolaou is a claimant in this matter, claiming he was injured during a vessel transfer between the M/V ASTRO CORONA and complainant's vessel, BREAKWATER, which occurred in Delaware Bay. Delaware Bay Launch Service, Inc., the owner of the BREAKWATER, has filed this complaint seeking to limit its liability to Mr. Papanikolaou.

Mr. Papanikolaou, a Greek national, was a cook aboard the M/V ASTRO CORONA. After lengthy investigation, counsel for Mr. Papanikolaou determined, and counsel believes, the vessel was owned by Corona Special Maritime Enterprise, a foreign company organized and existing pursuant to the law of Greece and located in Piraeus, Greece. The vessel is believed to have been chartered



and/or operated by Kristen Navigation, Inc., a foreign company organized and existing pursuant to the law of Greece and located in Piraeus, Greece. A New Jersey entity, Atlantic Ship Agencies, Inc., was acting as the shipping agent of the Corona Special Maritime Enterprise and Kristin Navigation, Inc. at the time of the incident.

In January 2008, Mr. Papanikolaou filed suit in the United States District Court of New Jersey against Atlantic Ship Agencies, Inc., Corona Special Maritime Enterprise, Kristin Navigation, Inc. and Delaware Bay Launch Service, Inc. in an attempt to gain service over the Greek entities, although neither entity had an agent for service of process in the United States. Eventually, counsel for Mr. Papanikolaou was contacted by counsel for Atlantic Ship Agencies, Inc., Corona Special Maritime Enterprise and Kristin Navigation, Inc. who indicated they objected to venue in New Jersey. After discussion with counsel for those parties, the matter was dismissed without prejudice and refiled in United States District Court for Delaware. The matter is entitled "Xenophon Papanikolaou v. Atlantic Ship Agencies, Inc., Corona Special Maritime Enterprise and Kristin Navigation, Inc.", No. 08-218. This suit was filed April 17, 2008.

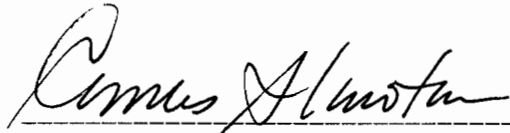
Under local rules, the two matter will eventually be consolidated before this Court as the limitation matter and the subsequently filed action arise from the same transaction and factual basis.

Because both suits are based on the same factual predicate, claimant Mr. Papanikolaou moves this Honorable Court to postpone the pre-trial in this matter to allow these matters to be consolidated and all parties to be served. Unless Corona Special Maritime Enterprise and Kristin Navigation, Inc. waive service, they will have to be served pursuant to the Hague Convention, which will be a lengthy process.

The undersigned also advises the Honorable Court that counsel for complainant, Delaware

Bay Launch Service, Inc. has been contacted and does not object to the granting of this motion.

Wherefore, based on the foregoing, claimant Xenophon Papanikolaou hereby moves this Honorable Court to postpone the pre-trial conference in this matter.

A handwritten signature in black ink, appearing to read "Charles Knothe", written over a horizontal line.

CHARLES KNOTHE, ESQ.

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